

# **Report to the Board of Adjustment**

Prepared by the Maricopa County Planning and Development Department

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**Case: BA2005007**

Variance

Hearing Date:

May 11, 2005 (continued from April 13, 2005)

Agenda Item:

x

Supervisory District:

3

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**Applicant/Owner:**

Frank Boorboor

**Request:**

**Variances to permit:**

- 1) a proposed single-family residence to setback 20.2 feet from the front (east) property line where 40 feet is the minimum required;
- 2) a proposed hillside area disturbance of 34.9% where 15% is the maximum allowed;
- 3) the maximum height of a retaining wall to be 20.25 feet where 13 feet is the maximum allowed;
- 4) the average height of a retaining wall to be 19.25 feet where 8 feet is the maximum allowed;
- 5) the height of the proposed driveway fill slope to be a maximum of 15.5 feet where 12 feet is the maximum combined height allowed; and
- 6) a proposed driveway to be built on 100% fill material where 1/3 fill material (33%) is the maximum allowed in the Rural-43 zoning district

**These variances are requested from the following  
Zoning Ordinance Section(s):**

- 1) Section 503, Article 503.4.1a
- 2) Section 1201, Article 1201.6.1.1
- 3) Section 1201, Article 1201.6.2.4
- 4) Section 1201, Article 1201.6.2.4
- 5) Section 1201, Article 1201.6.3.2

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**Site Location:** 7024 North Longlook Road – 40<sup>th</sup> Street and Clearwater Parkway (Paradise Valley area)

**Site Size:** 62,019 square feet (1.4 acres)

**Existing Zoning:** Rural-43

**Current Use:** Vacant

**Citizen Support/Opposition:** None known

**Staff Recommendation:** **Approve** with stipulations

**Existing On-Site and Surrounding Zoning:**

1. On-site: Rural-43  
North: Rural-43  
South: Rural-43  
East: Rural-43  
West: Rural-43

**Existing On-Site and Surrounding Land Use:**

2. On-site: Vacant  
North: Single-family residence  
South: Single-family residence  
East: North Longlook Road/vacant  
West: Single-family residence

**Background:**

3. **August 10, 1959:** The Clearwater Hills Unit Two subdivision was recorded.
4. **February 15, 1983:** Maricopa County adopted its Hillside Ordinance.
5. **December 8, 2004:** The current owners took possession of the subject site via a Warranty Deed recorded under docket **04-1441912**.
6. **January 6, 2005:** The applicants applied for these variance requests.

7. **April 21, 2005:** The owners applied for legal, non-conforming status for existing hillside disturbance on the subject site under case **LU20050022**.

### **Findings:**

8. **Maricopa County Department of Transportation:** No response at the time this report was written.
9. **Flood Control District:** No response at the time this report was written.
10. **Environmental Services Department:** No objections to the request (see attached memo).
11. **Town of Paradise Valley:** The Community Development Department does not support this variance request based on the information provided.

### **Site Analysis:**

12. The subject site is an irregularly shaped lot located at the terminus of Longlook Road, a local street. While staff can find no physical hardships present on the subject site, topographical hardships are readily apparent. This lot is steep in some portions with a slope typically in excess of 25% and, in some areas, exceeding 30%. The terrain is rocky and will cause difficulty when the site is developed. Along the roadway, the spill from grading the road has a slope that approaches 45%. The applicant is proposing to erect a 7,313-square foot single-family residence on the subject site along with a swimming pool and attached multi-bay garage.
13. Currently, the site is vacant with little or no on-site disturbance. There is some existing rubble and spill from construction associated with Longlook Road on the eastern boundary. The edge of the spill from grading the road has a slope that approaches 45%. There is a flattened area on the eastern edge that may have been graded for a driveway many years ago. The site is steep with rocky portions, scattered older and younger Saguaro cacti, Palo Verde, creosote bushes, and various Upper Sonoran vegetation.
14. The proposed residence will be accessed via a steep (greater than 20% grade) driveway that provides access from Longlook Road. Although the final plat for the subdivision shows a 40 foot circular cul-de-sac at the end of Longlook Road there is an abbreviated terminus that will serve a property to the east of the subject site. Wastewater will be disposed of via an alternative type septic system, as a normal septic system would not be sufficient due to the slope and rocky terrain. This system will be located in the southeast corner of the site. Retaining walls will be constructed along the fill slope for the proposed driveway.
15. The following table is included to illustrate and contrast the standards for the underlying zoning district with those proposed by the applicant.

<b>Standard</b>	<b>Rural-43 Zoning District</b>	<b>Proposed Standard</b>
Front Yard Setback	40-feet	<b>20.2-feet</b>
Rear Yard Setback	40-feet	43-feet
Side Yard Setback	30-feet	62-feet
Street Side Setback	20-feet	n/a
Maximum Height	30-feet/2 stories	30-feet/2 stories
Minimum Lot Area	43,560-sq. ft.	62,019-sq. ft.
Minimum Lot Width	145-feet	294-feet
Lot Coverage	15%	11.8%

\*Standards indicated in **bold** do not meet minimum base zoning standards.

#### **Hillside Standards:**

<b>Standard</b>	<b>Rural-43 (Zoning District) 30% Slope and Over</b>	<b>Proposed Standard</b>
Driveway Width	14-feet	12-feet
Hillside Disturbance	15%	<b>34.9%</b>
Max. Retaining Wall Height	13-feet	<b>20.25-feet</b>
Avg. Retaining Wall Height	8-feet	<b>19.25-feet</b>
Combined Driveway Cut Slope	12-feet	<b>15.5-feet</b>
Driveway Cross Section Cut/Fill	2/3rds Cut & 1/3 Fill	<b>100% Fill</b>

#### **Land Use Analysis:**

16. The subject site is located west of Tatum Boulevard and north of Lincoln Drive in the Clearwater Hills subdivision. Clearwater Hills is a class 1a County Island bordered by the Town of Paradise Valley to the north, south and east, and by the City of Phoenix to the west. The Phoenix Mountain Preserve abuts the north and west boundaries of Clearwater Hills. Residential subdivisions of similar character to Clearwater Hills, located in the Town of Paradise Valley, border the south and east sides of Clearwater Hills.
17. The Clearwater Hills subdivision is a gated community comprised of two units, Clearwater Hills, the original subdivision, and Clearwater Hills Unit Two. Clearwater Hills Unit Two is adjacent to the southern and western boundaries of the original subdivision. Clearwater Hills Unit Two subdivision was recorded in 1959 with 73 lots. Many of the lots in Clearwater Hills (Unit One) are considered hillside lots, and all of the lots in Clearwater Hills Unit Two are considered hillside. Eleven of the lots in Clearwater Hills Unit Two have been annexed by Paradise Valley. The subject site is located in the southernmost portion of Unit Two and adjacent to parcels that have been annexed by Paradise Valley.

18. Staff research indicates that many previous Board of Adjustment cases have been heard within this subdivision and within one mile of the subject property. A summary of the previous surrounding variance requests include the following:
- Case **BA86-178** were requests for variances to permit: 1) a paved driveway width of 16 feet where 14 feet is the maximum allowed, 2) 25-foot high cut slope where 12 feet is the maximum allowed; and 3) 100% cut where 1/3<sup>rd</sup>-fill and 2/3<sup>rd</sup>-cut is the maximum allowed. Request number one was withdrawn by the applicant. Requests two and three were approved by the Board of Adjustment. The property is located at 7540 Highcliff Drive, approximately ½-mile northwest of the subject site.
  - Case **BA89-208** were requests for variances to permit: 1) a graded area of a lot in a hillside area of 34% (18,380-sq. ft.) where 15% (8,120-sq. ft.) is the maximum allowed, 2) hillside area driveway cut to fill ratio to exceed 1/3<sup>rd</sup> of the cross-sectional width of the driveway, 3) a driveway width of 27 feet within a hillside area where maximum width of paved portion of driveway permitted is 14 feet; and 4) allow parking space back-up distance of 14 feet where 24 feet is the minimum required in the Rural-43 zoning district. The Board approved these requests. The property is located at located at 7334 Clearwater Parkway, approximately ½-mile north of the subject site.
  - Case **BA2002065** were requests for variances to permit: 1) a proposed hillside disturbance of 33.8% where 15% is the maximum allowed, 2) a proposed retaining wall height of 25.8 feet where 18 feet is the maximum allowed, 3) a proposed average retaining wall height of 14.2 feet where 11 feet is the maximum allowed, 4) a proposed building height of 53.9 feet where 30 feet is the maximum allowed, 5) a proposed combined driveway cut slope of 42 feet where 12 feet is the maximum combined cut slope allowed, 6) a proposed 33 foot high cut slope adjacent to a garage area where 18 feet is the maximum allowed, 7) a proposed driveway width of 16 feet where 14 feet is the maximum driveway width allowed, 8) a proposed average driveway cut slope of 13.8 feet where 8 feet is the maximum average allowed; and 9) a proposed driveway to be constructed on 100% fill where 33.3% is the maximum amount of fill allowed. The Board approved these requests. The property is located at 7309 N. Highcliff Drive, approximately 1,900 feet northeast of the subject site.
  - Case **BA2004125** were requests for variances to permit 1) A proposed hillside disturbance of 40.1% where 15% is the maximum allowed, 2) a proposed driveway width of 30 feet where 14 feet is the maximum allowed, 3) a proposed driveway constructed on 100% fill material where 1/3 fill material is the maximum allowed; and 4) a proposed retaining wall height of 13.25 feet where three feet is the maximum allowed. The Board approved these requests with stipulations. The property is located at 4002 E Canyon Court, approximately ¼ mile north of the subject site.

## Plan Analysis:

19. These are requests for multiple variances to allow the construction of a single-family residence on a hillside lot in the Clearwater Hills Unit Two subdivision. The first request is to permit the proposed residence to setback 20.2 feet from the front (east) property line where 40 feet is the minimum required. Normally, measuring the 40 foot setback is taken from the front property line or an easement. In this case, the front property line is measured from the roadway to the residence which coincides with a cul-de-sac that was described in the final plat. The actual roadway does not resemble the platted roadway (an 80 foot circular terminus) which is also the property line, due in large part to the topography, the cul-de-sac it has an approximately 37 feet round bulb shape. This places the closest portion of the proposed residence more than 40 feet from the actual edge of the roadway. Staff is therefore recommending approval of this variance request.
20. The second request is for a proposed hillside disturbance of 34.9% where 15% is the maximum allowed. This proposed hillside disturbance includes the house pad and the driveway area. While this appears to be an excessive amount of hillside disturbance, several factors must be considered when analyzing this request. First, while the subject site is larger than one acre at 1.5 acres and more than meets the requirements for the Rural-43 zoning district, the topography on this site is extreme. Second, the roadway slopes upward from the north edge of the property to the south making positioning of the driveway anywhere on the site difficult with a more severe slope occurring at the southern edge. Third, the proposed residence and driveway will require numerous retaining walls and the house will be built in a stair step fashion to fit the existing slope. This has the effect of keeping the height of the residence below 30 feet, but does result in a higher hillside disturbance figure. Staff believes that this variance request is not out of character with the area. The residence proposed by the applicant is typical of other new residences being built in this area. Staff feels that the design proposed by the applicant is a compromise that provide the homeowner with full use of the property in consideration of the surrounding terrain. Staff recommends that this request be approved.
21. Variance requests 3) and 4) pertain to both the maximum and average retaining wall height relate to the topography of the subject site. Placing a home on a site with as much hillside as this requires a large degree of engineering. The proposed residence will be built in a stair step fashion from the base of the existing roadway spill to approximately 42 feet from the western property line. This represents a nearly 42 foot change in elevation over a 30% slope. Retaining walls are necessary on all sides of the structure and the drive. The requested maximum retaining wall height retaining wall is 20.25 feet. Four segments of wall exceed the maximum height requirement by
22. Grade changes in the proposed driveway necessitate the use of a large amount of fill material. A retaining wall is needed to prevent failure of this fill material and also to reduce exposed fill slopes and scarring of the terrain.

**Recommendation:** (BA2005007)

23. Staff recommends **approval** of these variance requests based on the following:

- The relief requested is the minimum required necessary to provide the applicant with full use and enjoyment of the property.
- There are topographical hardships present on the site that hinder development.
- The request does not conflict with the intent of the Zoning Ordinance.

Subject to the following stipulations:

- a) General compliance with the revised grading and drainage plan dated April 22, 2005.
- b) The applicant shall provide revised site plans with corrected hillside disturbance calculations within 30 days of Board approval.
- c) The applicant shall obtain all necessary permits prior to commencing construction.
- d) The applicant shall obtain all necessary permits and approvals from the Environmental Services Department regarding wastewater disposal on site prior to commencing construction.
- e) The applicant shall obtain a drainage clearance prior to issuance of building permits.

27. If the Board finds that a reasonable use of the property can be made without this variance, then this request should be denied.

mjlw

**Attachments:** Case Map BA2005007  
Zoning Map  
Assessor Map  
Site Plan  
Application  
Supplemental Questionnaire